

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 20334 of 2006

Dated: 28.09.2006

Between:

R. Narayana, S/o late Ambaiah, aged about 54 years, R/o House No.23-70, Nethaji Nagar, Gaddiannaram, Dilsukhnagar, Hyderabad.

.... PETITIONER

AND

The Girijan Cooperative Corporation Limited, Visakhapatnam, rep. by its Vice-Chairman and Managing Director and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 20334 of 2006

Order:

Questioning the memo dated 21.08.2006 issued by the 1st respondent, namely the Vice Chairman and Managing Director, Girijan Co-operative Corporation Limited, Visakhapatnam, wherein an amount of Rs.1,10,872.95 ps., is fixed as inadmissible deficits, including Gum deficit, and directed to recover the said amount in lumpsum from the terminal benefits of the petitioner, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents-Corporation.

The main contention of the learned counsel for the petitioner is that earlier when respondents 1 and 2, without giving any opportunity and without following the principles of natural justice, issued proceedings dated 17.08.2005 and 22.08.2005 respectively, fixing the liability on the petitioner for inadmissible deficits and calling upon him to submit his explanation as to why a sum of Rs.1,10,872.95 ps., would not be recovered in lumpsum from his terminal benefits, the petitioner filed W.P. No. 19707 of 2005, and this Court, by order dated 21.09.2005, disposed of the said writ petition directing the respondents to treat the proceedings dated 17.08.2005 as show cause notice and to consider the explanation, that may be submitted by the petitioner, and pass appropriate orders after giving reasonable opportunity of hearing to the petitioner. He further submits that pursuant to the said directions of this Court, though the petitioner submitted his explanation on 04.10.2005, the respondents, without considering the same and without giving opportunity of hearing to the petitioner, again issued the impugned memo directing to recover an amount of Rs.1,10,872.95 ps., towards

inadmissible deficits in lumpsum from the terminal benefits of the petitioner, which is illegal and arbitrary.

Admittedly, earlier when the petitioner approached this Court and filed W.P. No.19707 of 2005, this Court directed the respondents to consider the explanation being submitted by the petitioner and pass appropriate orders after giving reasonable opportunity of hearing to the petitioner. Subsequent thereto, the petitioner submitted his explanation on 04.10.2005, and the respondents issued the impugned memo directing to recover an amount of Rs.1,10,872.95 ps., towards inadmissible deficits in lumpsum from the terminal benefits of the petitioner. The contention of the petitioner is that the respondents without considering his explanation and without giving any opportunity of hearing, again issued the impugned memo. A perusal of the impugned memo would show that even though a reference is made therein to the explanation of the petitioner dated 04.10.2005, but the same does not show whether the said explanation of the petitioner was considered or not. In that view of the matter, I am of the considered opinion that the impugned memo cannot be sustained and is liable to be set aside, and while setting aside the impugned memo, I deem it appropriate to dispose of the writ petition with a direction to the 1st respondent to reconsider the issue.

Accordingly, the impugned memo dated 21.08.2006 is set aside, and the 1st respondent, namely the Vice Chairman and Managing Director, Girijan Co-operative Corporation Limited, Visakhapatnam, is directed to reconsider the issue, after taking into consideration the explanation/objections raised by the petitioner, and pass appropriate orders, expeditiously.

With the above direction, the writ petition is disposed of. No costs.

N.V. RAMANA, J.

Date: 28.09.2006
Nsr/lsl